

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 25<sup>TH</sup> DAY OF JUNE 2012 AT 7:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Annette S. Perkins	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Matthew R. Gabriele	-Supervisor

**Legislative Dinner Meeting – 5:30 p.m. – 7:00 p.m.**

The Montgomery County Board of Supervisors hosted a dinner meeting with the County's legislative delegation. In attendance were Senator Ralph Smith, Delegate Larry "Nick" Rush and Delegate Joseph Yost.

Board members presented issues and concerns regarding the last General Assembly session related to inadequate funding for education, transportation, and local government. The Board iterated their concerns that the State is constantly reducing funding for mandated programs that are required by the State and the local government has to cover the additional expense.

Senator Smith, Delegate Rush, and Delegate Yost spoke on their position regarding education, transportation and other issues.

**CALL TO ORDER – 7:00 p.m.**

The Chair called the meeting to order.

**INVOCATION**

A moment of silence was led by the Chair.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **PRESENTATION**

### **National Association of Counties Achievement Award**

Montgomery County was awarded a 2012 NACo Achievement Award for two programs through the Montgomery-Floyd Regional Library entitled, "Southwest Virginia in the Civil War" and "Be Local". The Board of Supervisors presented Paula Alston, MFRL Director, with the two awards.

## **DELEGATIONS**

### **Virginia Department of Transportation**

Richard Caywood, VDOT Salem District Administrator, made a presentation on road projects in the New River Valley. Mr. Caywood reported that the Salem District received \$214.7 million in construction money, the second largest allocation across the state. A list of projects and scope of work of each was provided as follows:

#### **Current Projects:**

- Interstate 81 Truck Climbing Lane - \$90 million
- Route 114 Bridge over New River - \$22.5 million

#### **Future Projects:**

- Route 114 Widening – Christiansburg \$24.5 million
- Southgate Drive Interchange and Connector – Blacksburg \$46.7 million
- Route 603 Ironto-Elliston Connector – Montgomery County \$17 million
- Research Center Drive – Blacksburg \$1.1 million

## **PUBLIC ADDRESS**

**Bill Murray** addressed the School Board's request for \$750,000 in one time funding to be used for capital items (building repair, technology improvement and purchase of new school buses). Mr. Murray expressed concern that the School Board requested funding for these items in the past and questioned why additional money is requested. He believes there needs to be an external audit to determine where the money is being spent. He also believes the money should be spent on the children and teachers.

There being no further, speakers the public address was closed.

## **CONSENT AGENDA**

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously, the Consent Agenda dated June 25, 2012 was approved. The vote was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Matthew R. Gabriele
Annette S. Perkins		
William H. Brown		
Mary W. Biggs		
Christopher A. Tuck		
James D. Politis		

### **A-FY-12-89 COMMONWEALTH'S ATTORNEY FORFEITED ASSET SHARING**

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$105
-----	-------------------------	-------

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$105

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

### **A-FY-12-90 COMPREHENSIVE SERVICES ACT SUPPLEMENTAL APPROPRIATION**

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

510	Comprehensive Services Act	\$50,000
-----	----------------------------	----------

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

02510-424445 Comprehensive Services Act	\$35,830
02510-419108 Recovered Costs	<u>\$14,170</u>
Total	\$50,000

Said resolution appropriates funds to equal the allocation from the state for the Comprehensive Services Act.

**A-FY-12-91  
SHERIFF  
RECOVERED COSTS**

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

310	Sheriff Comp	\$ 1,128
320	Sheriff County	\$14,625
321	Sheriff County	\$ 2,099
322	Sheriff Project Lifesaver	<u>\$ 425</u>
	Total	\$18,277

The sources of the funds for the foregoing appropriation are as follows

Revenue Account

419104	Confiscations	\$ 599
419108	Recovered Costs	\$14,597
419117	Dare Recovered Costs	\$ 1,500
424404	Federal Confiscations	\$ 1,156
424401	Project Lifesaver	<u>\$ 425</u>
	Total	\$18,277

Said resolution appropriates recovered costs, confiscations, and Project Lifesaver funds.

**A-FY-12-92  
TREASURER  
DMV STOP FEES**

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012 for the function and in the amount as follows:

162	Treasurer's Collections	\$4,120
-----	-------------------------	---------

The sources of the funds for the foregoing appropriation are as follows

<u>Revenue Account</u>	
411605	DMV Stop Fee
416010	Warrant-In-Debt Fees
	<u>\$ 28</u>
Total	\$4,120

Said resolution appropriates DMV Stop Fees and Warrant in Debt Fees collected to pay the associated fee to the DMV and Commonwealth of Virginia.

**A-FY-12-93  
SCHOOL NUTRITION PROGRAM**

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Cafeteria Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

SNP Fund 10 – SNP Fund 10 Administration	\$200,000
--	-----------

The source of funds for the foregoing appropriation is as follows:

Revenue Account:	
School Nutrition Fund Balance	\$200,000

Said resolution appropriates additional funds for the School Cafeteria Fund.

**R-FY-12-154**  
**A RESOLUTION REQUESTING THE**  
**AFD ADVISORY COMMITTEE AND**  
**THE PLANNING COMMISSION TO COMMENCE**  
**THE RENEWAL PROCESS FOR AFD-3, AFD-4, AND AFD-5**

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, Agricultural and Forestal District-3 (Little River), Agricultural and Forestal District-4 (Silver Creek Rd.), and Agricultural and Forestal District-5 (Riner) encompassing a total of 91 property owners and approximately 9,743 acres are scheduled to expire on December 31, 2012; and

WHEREAS, Section 15.2-4311 of the Code of Virginia and Section 2-152 of the Code of Montgomery County provides for the orderly review and renewal of such districts.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby directs the AFD Advisory Committee and the Planning Commission to commence the review and renewal process as required by Section 15.2-4311 of the 1950 Code of Virginia, as amended, for AFD-3, AFD-4, and AFD-5 and provide the Board of Supervisors with a recommendation as to the renewal of each of these Agricultural and Forestal Districts.

**R-FY-12-155**  
**BOARD OF ZONING APPEALS**  
**RECOMMEND REAPPOINTMENT OF**  
**RICHARD M. DISALVO, JR.**

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court Judge, reappointment of **Richard M. DiSalvo, Jr.** to the **Board of Zoning Appeals** effective July 1, 2012 and expiring June 30, 2017.

**OLD BUSINESS**

**ORD-FY-12-18**  
**AN ORDINANCE VACATING A LOT LINE AND**  
**PUBLIC UTILITY AND PUBLIC DRAINAGE EASEMENT**  
**BETWEEN LOTS 21 AND 22 LOCATED IN PHASE II OF THE LUSTERS MILL**  
**SUBDIVISION RECORDED IN PLAT BOOK 18, PAGES 50-53**  
**IN THE MONTGOMERY COUNTY CIRCUIT COURT CLERK'S OFFICE**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, Craig E. Nesbit and Susan B. Nesbit have requested the Montgomery County Board of Supervisors to vacate a lot line and a public utility and public drainage easement between lots 21 and 22 located in Phase II of the Lusters Mill Subdivision recorded in Plat Book 18, pages 50-53 in the Montgomery County Circuit Court Clerk's Office as shown more particularly on the Plat entitled "Lot Line Vacation Plat from Records, Craig E. Nesbit and Susan B. Nesbit, situated on Millwood Lane, Tax Map Numbers 42-5-21 and 22, Lusters Mill Phase II, Plat Book 18 Pages 50-53, Mt. Tabor Magisterial District, Montgomery County, Virginia" dated April 27, 2012, plat prepared by Balzer and Associates, Inc. (the "Plat"); and

WHEREAS, Section 15.2-2272 of the Code of Virginia, as amended, provides that the Board of Supervisors may vacate a portion of a plat by Ordinance after sale of a lot; and

WHEREAS, A duly advertised public hearing on this Ordinance was held by the Board of Supervisors on June 11, 2012.

NOW THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors in accordance with Section 15.2-2272 of the Code of Virginia, as amended, hereby authorizes the vacation of a lot line and a public utility and public drainage easement between lots 21 and 22 located in Phase II of the Lusters Mill Subdivision recorded in Plat Book 18, page 50-53 in the Montgomery County Circuit Court Clerk's Office as shown more particularly on the plat entitled "Lot Line Vacation Plat from Records, Craig E. Nesbit and Susan B. Nesbit, situated on Millwood Lane, Tax Map Numbers 42-5-21 and 22, Lusters Mill Phase II, Plat Book 18 Pages 50-53, Mt. Tabor Magisterial District, Montgomery County, Virginia" dated April 27, 2012, plat prepared by Balzer and Associates, Inc.

BE IT FURTHER ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes the Chair to sign the respective plat for recordation.

This Ordinance shall take effect upon adoption.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Matthew R. Gabriele
Mary W. Biggs		
Christopher A. Tuck		
Gary D. Creed		
Annette S. Perkins		
James D. Politis		

## **INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

### **1. Joinder Study**

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Matthew R. Gabriele
Christopher A. Tuck		
Gary D. Creed		
Annette S. Perkins		
William H. Brown		
James D. Politis		

### **Joinder Study**

Jerry Higgins, Blacksburg-Christiansburg-VPI Water Authority Director, made a presentation on the Joinder Study. The Joinder Study was initiated in the late 1990's at the request of the Montgomery County Board of Supervisors who was seeking to join the Blacksburg-Christiansburg-VPI Water Authority. In April 2001, the Board of Supervisors officially requested membership in the Water Authority. A study of the County joining the Authority was done in two phases. Phase I was completed by Black & Vetch and was to identify any reasoning as to why the County could not join the Authority. Phase II of the study was to provide a more detailed study and financial aspects of the Joinder. In August 2009, the Authority held discussions on the terms and conditions of Phase II findings and buy-in amount. From 2009 to today, discussions and negotiations were held between the Authority and Montgomery County on terms and buy-in amount. The final agreement was submitted to all parties involved and each party is to hold a public hearing and adopt the Joinder Agreement and Water Agreement.

For admission as a member of the Authority, Montgomery County agrees to purchase its membership interest for \$1,300,000 to be paid over 40 years at an interest rate of 2.0% per year. The Town of Christiansburg is in the process of holding a work session and scheduling their public hearing. The Town of Blacksburg has held a work session and has yet to hold a public hearing. The Virginia Tech Board of Vistors has met and is in agreement with the final documents.

The Board of Supervisors thanked Mr. Higgins for attending and providing an update. Mr. Higgins was also thanked for his involvement with the Joinder study, which has lasted over a decade.



After Board discussion, they agreed to schedule a public hearing on the final Joinder Agreement and Water Agreement.

### **OUT OF WORK SESSION**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Christopher A. Tuck	None	Matthew R. Gabriele
Gary D. Creed		
Annette S. Perkins		
William H. Brown		
Mary W. Biggs		
James D. Politis		

### **R-FY-12-156 RESOLUTION TO SCHEDULE A PUBLIC HEARING ON MONTGOMERY COUNTY BECOMING A MEMBER OF THE BLACKSBURG-CHRISTIANSBURG-VPI WATER AUTHORITY**

On a motion Christopher A. Tuck, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board hereby schedules a public hearing for August 13, 2012 at 7:00 p.m., or soon thereafter, in the Board Room, Second Floor, Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Va to receive public comment on Montgomery County becoming a member of the Blacksburg-Christiansburg-VPI Water Authority (“the Authority”) and on the amendment and restatement of the Articles of Incorporation of the Authority to accomplish such purpose and to change the name of the Authority to the NRV Regional Water Authority.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Matthew R. Gabriele
William H. Brown		
Mary W. Biggs		
Christopher A. Tuck		
Gary D. Creed		
James D. Politis		

## **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator reported on the following items:

- VDOT FY 2013 Revenue Sharing Program Approval Allocations: The Commonwealth Transportation Board approved allocations for FY 2013. Montgomery County received a total of \$3.5 million for the following projects:
  - Meadow Creek Road Alignment \$642,500
  - Bain's Chapel Road Connector \$2.9 million

The Town of Christiansburg received \$150,000 for the Huckleberry Trail Extension Project.

The Town of Blacksburg received a total of \$3.5 million for ten projects located in the town.

## **BOARD MEMBERS' REPORT**

**Supervisor Tuck** attended the Planning Commission meeting as the Board's liaison. Cindy Disney, newly appointed to the Planning Commission, attended her first meeting. There are still two vacancies on the Planning Commission, one for District E and one at-large representative.

Supervisor Tuck also attended the Library Board meeting and made a presentation on his proposal to install an additional computer in the libraries so patrons can research law codes, etc.

**Supervisor Biggs** reported Supervisor Tuck did a great job presenting his idea to the Library Board regarding his idea of providing patrons the opportunity to do law research at the local libraries. Several questions arose from the presentation such as, will the law library in the new courthouse be assessable to the citizens, is the new law library larger than the current one, who is responsible for keeping the law library open and updating the material.

**Supervisor Creed** presented an idea on a way the School Board could save money in regards to their sporting/recreation events. He suggested that the Schools offer a vocational class to train students on how to be an umpire or referee. The Schools would use these students to help umpire and referee at sporting events and save money by not hiring umpires and referees.

This would be for a course credit and also provide a student the opportunity to pursue a career if they chose this path. Professional umpires and referees make a great salary.

**Supervisor Politis** provided an update on the alternative paving options he reported on several meetings back. Dan Brugh, MPO Executive Director, has contacted a firm in Boston, Massachusetts, who uses this type of process for paving.

## **ADJOURNMENT**

On a motion by William H. Brown, seconded by Christopher A. Tuck and carried unanimously, the Board adjourned to Monday, July 9, 2012 at 6:00 p.m.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Matthew R. Gabriele
Annette S. Perkins		
William H. Brown		
Mary W. Biggs		
Christopher A. Tuck		
James D. Politis		

The meeting adjourned at 8:45 p.m.

APPROVED	_____	ATTEST:_____
	James D. Politis	F. Craig Meadows
	Chair	County Administrator